

**MINUTES OF THE  
SOUTH OGDEN CITY COUNCIL MEETING  
Tuesday, December 2, 2014 – 6:00 p.m.  
Council Chambers, City Hall**

**COUNCIL MEMBERS PRESENT**

Mayor James F. Minster, Council Members Sallee Orr, Wayne Smith, Brent Strate, Russ Porter and Bryan Benard

**STAFF MEMBERS PRESENT**

City Manager Matt Dixon, City Attorney Ken Bradshaw, Parks and Public Works Director Jon Andersen, Chief of Police Darin Parke, Fire Chief Cameron West, and Recorder Leesa Kapetanov

**CITIZENS PRESENT**

Jim Pearce, Gary Boyer, Jerry Cottrell, Cameron Diehl

**I. OPENING CEREMONY**

**A. Call to Order**

Mayor James F. Minster called the meeting to order at 6:08 pm and called for a motion to convene.

**Council Member Smith moved to convene as the South Ogden City Council, with a second from Council Member Strate. In a voice vote Council Members Strate, Orr, Porter, Benard and Smith all voted aye.**

**B. Prayer/Moment of Silence**

The mayor led those present in a moment of silence.

**C. Pledge of Allegiance**

Council Member Benard then directed everyone in the Pledge of Allegiance.

Mayor Minster then indicated it was time for public comments and invited anyone who wished to come forward.

**II. PUBLIC COMMENTS**

**Gary Boyer, 5925 S 1075 E** – said he was passionate about the city and wanted to see it grow. He talked about vision and hoped that when the council discussed annexation they would consider adding the properties south of the junior high. He gave some statistics on the property, saying that the properties would bring in millions of dollars in revenue from building permits. Even if the city had to build a pumping station for utilities, which would cost about \$500,000, it would still have millions left. He said it would bring in approximately 4800 people to the city. Benefits would be that South Ogden Junior High remained in our city, H. Guy Child Elementary would remain vibrant for many years, there would be an increase in the business district which would bring in more sales

tax revenue, and the infrastructure would not need any work for the next 25-30 years. He hoped the council would have vision for the future.

Council Member Strate asked Mr. Boyer to email his comments to the council. There were no other public comments.

### **III. RECOGNITION OF SCOUTS/STUDENTS PRESENT**

There were no scouts or students present.

### **IV. PRESENTATION**

#### **Utah League of Cities and Towns Concerning the Utah Transportation Coalition**

City Manager Matt Dixon introduced Cameron Diehl and Ken Bullock from the Utah League of Cities and Towns. Mr. Dixon explained the challenge facing cities and towns all over the state to fund transportation. The issue was so important that the Salt Lake Chamber of Commerce, Utah League of Cities and Towns and Utah Transportation Coalition had combined forces to lobby the legislature for additional tax dollars for transportation funding. They were also asking each community in the state to adopt a resolution in support of a solution. Mr. Dixon turned the time to Mr. Diehl and Mr. Bullock.

Mr. Diehl reviewed the funding the state provided to cities for transportation, explaining the funding did not begin to meet the needs of cities and towns. He shared with the council a document showing what South Ogden had spent on transportation in 2011 in relation to how much funding they had received from the state (see Attachment A). He pointed out the lack of funding not only impacted transportation, but economic development, air quality, and public health as well. In searching for revenue solutions for transportation, they had determined a .025 local option sales tax would work the best, and would lobby the legislature to pass the tax. As part of the lobbying effort, local governments would need to agree to not accept any additional increase in motor fuel tax; if the motor fuel tax were increased, local governments would not receive any of the increase. Mr. Diehl said the Utah Transportation Coalition represented the first time that the private sector and the public sector had joined together in a lobbying effort, and transportation funding was the issue that had brought them together. The coalition would also provide tools to local governments to communicate the need for transportation funding to their residents.

The ULCT and the Coalition would use the resolutions passed by local governments to show state legislators that local governments were in favor of the quarter cent local option sales tax.

There were several questions from the council concerning the local option sales tax versus the motor fuel tax. The question was also raised as to if the funding could only be used for roads or if it could be used for sidewalks, bike lanes, etc. Mr. Diehl said he was currently drafting the language for what the funding could be used for. The current motor fuel tax funding was limited to use on transportation infrastructure within the class c right of way, including sidewalks. The proposed funding would allow funding for sidewalks or bike paths in other areas besides the right of way, e.g. along parkways and in recreation areas. It would also fund shuttle services so cities could work with UTA to implement shuttle services in their community.

There was further discussion on the future of transportation funding and the responsibilities of local governments. The presentation was then concluded.

### **V. CONSENT AGENDA**

- A. Approval of November 18, 2014 Council Minutes**
- B. Approval of November 12, 2014 Combined City Council/Planning Commission Meeting Minutes**
- C. Approval of November Warrants Register**

- D. **Declaring Certain Property as Surplus to the City's Needs**
- E. **Set Date for Public Hearing (December 16, 2014 at 6 pm or as soon as the agenda permits)**  
**To Receive and Consider Comments on Proposed Amendments to the FY2015 Budget**

Mayor Minster read through the consent agenda and asked if there were any questions. There were no questions or comments. The mayor called for a motion to approve the consent agenda.

**Council Member Benard moved to approve the consent agenda as set forth. The motion was seconded by Council Member Porter. There was no further discussion on the motion. The voice vote was unanimous in favor of the motion.**

**The consent agenda was approved.**

## **VI. DISCUSSION / ACTION ITEMS**

- A. **Consideration of Resolution 14-33 – Approving an Agreement With Salt Lake Chamber of Commerce for Support of the Utah Transportation Coalition**

City Manager Dixon pointed out the resolution stated the city was in favor of comprehensive transportation funding solutions and specifically mentioned the quarter cent local sales tax option.

Council Member Porter asked if the resolution bound the council to anything if in the future they determined the agreement was not in the city's best interest. The answer was it did not bind them. There were no further questions. Mayor Minster entertained a motion concerning the resolution.

**Council Member Strate moved to adopt Resolution 14-33, approving an agreement with Salt Lake Chamber of Commerce for Support of the Utah Transportation Coalition. The motion was seconded by Council Member Orr. The mayor asked if there were further discussion, and seeing none, he called the vote:**

Council Member Strate-	Yes
Council Member Orr-	Yes
Council Member Porter-	Yes
Council Member Benard-	Yes
Council Member Smith-	Yes

**Resolution 14-33 was adopted.**

## **VII. DEPARTMENT REPORTS**

- A. **Parks and Public Works Director Jon Andersen – Project Updates**

Mr. Andersen said the 1075 East Road Project was the only project currently being worked on. The asphalt had been completed and they were now working on the manholes and valves. Some landscaping was also being worked on as the weather permitted, however final completion on landscaping would not happen until next spring.

The council had several questions for Mr. Andersen concerning roads in the city. They also informed him of several problem areas on the roads.

## **VIII. REPORTS**

- A. **Mayor** – nothing to report.

**B. City Council Members**

**Council Member Porter** – requested that the plowing of the trails at the Nature Park be put on the agenda as a discussion item.

**Council Member Orr** – reminded everyone of the SOBA meeting tomorrow at noon. She also asked how she would go about having the Planning Commission look at changing some zoning back to what it was. Mr. Bradshaw said the item needed to be on the agenda, and if two other members agreed with her about the change, they could forward it to the planning commission.

**Council Member Strate** – reminded Council Member Orr they had volunteered to decorate the tree. He also said he would like to discuss the plowing of the trails at Nature Park again.

**Council Member Smith** – informed staff and council had would be out of town January 28-February 6 and asked them to keep that in mind when planning the date of the annual retreat.

Council Member Benard had momentarily left the room and was not present for his report.

- C. City Manager** – asked the council to look at dates, preferably a Friday and Saturday in February, and let him know when they were available. He also asked the council if the department directors should give their annual reports during the meetings in January so as to leave more time for the council to discuss the strategic plan at the retreat. The council agreed. They also agreed they would like to hold the retreat at the same place as last year, and asked Council Member Benard to check on the availability of his office.

- D. City Attorney Ken Bradshaw** – said he would defer his time to Mr. Benard who had not given his report. Mr. Benard indicated he had nothing to report.

**IX. ADJOURN CITY COUNCIL MEETING AND CONVENE INTO WORK SESSION**

Mayor Minster then indicated it was time to hold a work session and entertained a motion to do so.

**Council Member Porter moved to adjourn city council meeting and convene into a work session to discuss land use. Council Member Orr seconded the motion. The vote was unanimous in favor of the motion.**

Note: The work session took place in the council chambers.

**A. Continuation of Discussion on Land Use**

The mayor invited City Attorney Ken Bradshaw to give a review of their previous discussions on this matter. Mr. Bradshaw reminded the council they had had several meetings, one of which Council Member Benard had missed. Because Mr. Benard knew he would not be at the meeting, he had written an email to the others expressing his views. Mr. Bradshaw would refer to this email later in his comments as he felt it was very well written. Mr. Bradshaw also reminded the council of the table Mr. Dixon had created which outlined who the land use authority was on different matters, and also who heard appeals on various matters. The council had had much discussion on legislative versus administrative decisions. The question now was where the council stood philosophically on whether they

only concerned themselves with legislative matters or if they would also get involved in administrative matters. It seemed appropriate to take a straw vote as to whether they wanted to confine themselves to a legislative role versus getting into the administrative side. If the vote were they should only concern themselves with legislative matters, there would be no need for further discussion. Staff would move forward in going through the code and amending it to reflect the philosophical stance of the council. However, if the vote indicated the council wanted to have a role in administrative matters, then staff would need direction on which administrative matters the council wanted to decide on and craft the code to reflect what they wanted. Mr. Bradshaw again mentioned Council Member Benard's email; Mr. Benard had articulated well the roles and responsibilities of the council, especially as they related to them being a legislative body. Staff's recommendation was that the council focus only on legislative matters, thus putting them in compliance with case law and various statutes.

Mayor Minster then said he would like to take a straw vote; should the council stay a legislative body or get involved in administrative functions?

Council Member Porter said they were a legislative body, and needed to focus their attention on carefully crafting legislation for what the city needed. There was no reason for them to be any kind of authority later.

Council Member Orr agreed they should be legislative; however, according to the chart Mr. Dixon had put together, they were still looking at many things that were administrative; it was confusing. Mr. Bradshaw said that was true, but if the council determined they wanted only to oversee legislative matters, staff would go back through the city code and change things to reflect that philosophy. Ms. Orr said that would be fine as long as the council would have a say on what the rules of administration were.

Council Member Benard said he agreed the council should be legislative and said matters such as beer licenses, cabarets, trailers, and second hand junk dealers were things they should not be deciding. They should be deciding on the front end what they should or should not allow in the city. He was in favor of having staff review all matters that were administrative that were still coming to the council and proposing changes to handle them. He added that whoever ended up making the administrative decisions, whether it be the planning commission, staff, etc., should have the proper training to do so.

Mayor Minster said he had known mayors and council members since 1972, and they all had tried to do the best job they could for the city. He agreed that some things needed to be changed, but his greatest fear was that they were trying to re-create the wheel. He agreed the council's role should be legislative and they needed to adhere to that philosophy.

Council Member Strate said he agreed with most of what had been said so far, but whatever processes were put in place, whether legislative or administrative, there needed to be a three-step process rather than a two-step process. Mr. Strate gave an example from previous years where the city council had acted as an appeals board in a matter where the planning commission had denied a request for a re-zone, so the applicant had appealed to the council in the matter. The council had gone into closed session on the matter and returned with five points to support the planning commission's decision to not re-zone the property. He liked the three step process as it made it unlikely that matters would reach the level of the hearing officer. He thought there were some things the council needed to stay involved in, zoning and subdivisions being among them. There needed to be a three step process where they were a legislative appeal, but Mr. Strate said he was not suggesting they be the appeal authority in any way.

City Manager Dixon said he did not see a way for the council to stay legislative and still have a three step process which implied they may have to get involved in administrative matters. Council Member Strate said there was now a three-step process in place for re-zones, subdivisions and PRUDS. City Attorney Bradshaw reminded them that re-zones, zoning amendments, etc. were legislative matters that would always be determined by the council.

PRUDS's were legislative as far as the council would determine through the zoning ordinance, where or if they would be allowed and what requirements they would have to meet. Once those decisions had been made legislatively, if someone came to the city and wanted to develop a PRUD in an area in which it was allowed, and met the criteria established beforehand, the approval of the PRUD was administrative and the council would never get involved in it. Mr. Strate said he agreed with all Mr. Bradshaw had said, but pointed out the legislation clarified all the issues involved. He also pointed out that many of the issues would go away if the city did away with conditional uses, which he was in favor of. He said it came down to the issue of if he was representing what his constituents desired. Mr. Bradshaw interjected it was all 15,000 of his constituents. Council Member Strate said he was representing what he was being told. Mr. Bradshaw asked Mr. Strate if he was in favor of focusing on legislative side of the house. Mr. Strate said he was, if the other side of the house was taken care of.

Council Member Smith said he was in favor of staying legislative, and gave an example of the council passing a winter parking ordinance in the city. It would not be right for a person receiving a citation due to the ordinance to be able to appeal the citation to the council. That is what magistrates were for. His role was legislative, and part of his responsibility was to review the ordinance often to see if the same things were applicable today as when they were originally passed. Once the legislative decision was made, any appeals should go before a magistrate or third person to determine how the legislation applied to that situation.

City Manager Dixon said this had been a tough issue to work through, but felt the decision that evening by the council to remain legislative would help staff to move forward in correcting the things in the city code that needed correcting. He then gave the council an overview of where the planning commission was at in reviewing conditional and permitted uses in the residential zones. Council Member Benard expressed concern that the planning commission might be rushing the process; they wanted to make sure the public was aware of what they were considering. Council Member Benard said he felt the 200 or so people who had expressed a clear interest in the residential uses should get individual emails or invites to the public hearing. Council Member Strate agreed. Mr. Dixon said the length of the moratorium was what was driving the planning commission to expedite the matter. Council Member Porter said if the public was in agreement with what the planning commission was proposing, they should let the process move along. Mr. Dixon said the council also had the option of holding another public hearing as well. He then pointed out that the zoning changes affected every person in the city that lived in a residential zone and the reality was that the city did not have the resources to notify every person in a residential zone. The city complied with the notification requirements set forth by the state, and any resident who wanted to be diligent would be aware of the public hearing. There would be a problem, however, if the city personally notified one group of residents and not another. Where would you draw the line concerning who should be personally notified and who should not? Council Member Benard said time should be taken to notify people in the newsletter because they were considering making major changes in the zoning ordinance. Mr. Dixon said the planning commission had set their timeline, but the council could take as much time as they desired in considering the matter and extending the moratorium if needed.

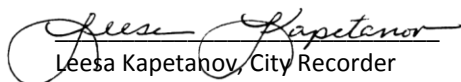
Council Member Orr asked how they could make the right decisions if they did not have training on land use matters. Mr. Bradshaw said public input as well as recommendations from trained staff would help the council make their decision.

There was no more discussion by the council. The mayor called for a motion to adjourn.

## **X. ADJOURN WORK SESSION**

**At 8:18 pm, Council Member Smith moved to adjourn. The motion was seconded by Council Member Porter. The vote was unanimous to adjourn.**

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Meeting held Tuesday, December 2, 2014.

  
Leesa Kapetanov, City Recorder

Date Approved by the City Council \_\_\_\_\_ December 16, 2014 \_\_\_\_\_

**Attachment A**  
Information on South Ogden Transportation Funding



# South Ogden



**Population:\*** 16,789

**Legislators:** Senate: Stuart C. Reid

House of Representatives: Dixon M. Pitcher, Brad L. Dee,  
John Knotwell

**County:** Weber

## Municipal Sales Tax for South Ogden:\*\*

**South Ogden's 1% Local Option Revenue (FY 2011):** \$2,389,825

## Transportation Funding/Spending for South Ogden:\*\*

**South Ogden's Total Transportation Spending (FY 2011):** \$1,072,605

**South Ogden's B & C Road Funding (FY 2011):** \$476,841

**South Ogden's General Fund Subsidy for Transportation:** \$595,765

**Per Capita:** \$35.49

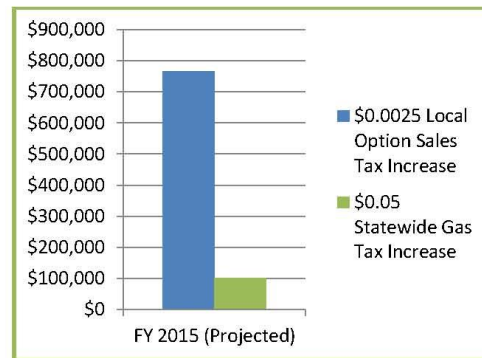
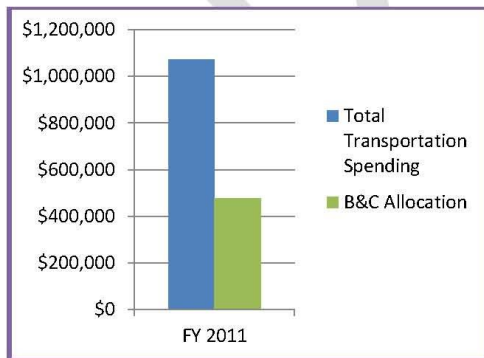
## What different funding mechanisms could mean for South Ogden:\*\*\*

### **\$0.0025 Local Option Sales Tax Increase:**

2015 Projection: \$765,755  
2019 Projection: \$909,998  
2024 Projection: \$1,067,929  
2015-2024 Total: \$9,098,853

### **\$0.05 Statewide Gas Tax Increase:**

2015 Projection: \$99,645  
2019 Projection: \$105,042  
2024 Projection: \$108,952  
2015-2024 Total: \$1,049,009



\* Source: U.S. Census Bureau – 2013 Population Estimates

\*\* Source: Office of the Utah State Auditor

\*\*\* Projections by ULCT Economist Doug Macdonald (former Utah State Tax Commission Economist)  
Sources: Utah State Tax Commission & Utah Department of Transportation